



# HCLB

Health Care Licensing Bureau

# News

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### Board Study Includes Survey of Professional Boards and Licensees by Pat Murdo

If you have questions, please contact Pat Murdo at [pmurdo@mt.gov](mailto:pmurdo@mt.gov)

The Legislature's Economic Affairs Interim Committee will undertake a study of professional and licensing boards over the next year to determine whether state law could better define the role of boards, provide criteria for determining when a new board should be created, and address other issues outlined in Senate Joint Resolution 35 passed by the 2005 Legislature.

The subject areas to be addressed by the SJR 35 study generally fall into the following areas:

- the role of boards in public protection (is a current or new board necessary and why);
- administrative attachment – what does it mean and how can it be further defined;
- organization of boards related to professional functions and scope of practice – what are the criteria; and
- oversight and systemic support – how involved are the legislature and the executive branch in rulemaking and other functions?

To determine the attitudes on selected aspects of these topics, the EAIC will make available a survey, to be mailed or filled out on-line, and would like responses from board members, licensees, applicants, persons interested in forming a board, and other interested parties.

The survey and other information on SJR 35 are available at the EAIC website under SJR 35: [http://leg.state.mt.us/css/committees/interim/2005\\_2006/econ\\_affairs/default.asp](http://leg.state.mt.us/css/committees/interim/2005_2006/econ_affairs/default.asp).

The website also contains a link for signing up electronically to receive information regarding EAIC meetings or specific work group meetings for the SJR 35 study. Persons who do not have access to email or the Internet may contact EAIC staff at Legislative Services by phone, 406-444-3594, or by sending a letter to EAIC Staff, Legislative Services, PO Box 201706, Helena MT 59620, to be included on a notification list for EAIC or SJR 35 work group announcements.

Later this fall the EAIC legislators will review survey returns and begin outlining policy approaches for each of the study areas. Work groups of interested persons will help to develop options for implementing the policy approaches. According to the EAIC's draft study plan, the committee will review options, take public comment, and develop legislation, if any, by May 2006 for introduction in the 2007 Legislature.

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## BOARD OF CHIROPRACTORS

Board members Pamela Blanchard, F\D.C., Daniel Prideaux, D.C., and Program Specialist Cheryl Smith attended the Federation of Chiropractic Licensing Boards (FCLB) 79th Annual Congress in Montreal, Ontario, Canada, in April of 2005.

Dr. Prideaux has been appointed to serve on FCLB's Nominating Committee, which mails a slate of recommended nominees for offices to member chiropractic boards no less than 30 days prior to the annual meeting. Ms. Smith has been appointed to serve on the Conference Support Committee. This committee handles new attendee orientation and assists with conference logistics, and develops plans for the following year's conference, based on feedback and experiences.

Ms. Smith will also officiate her second and last meeting as President of the Association of Chiropractic Board Administrators (ACBA) at its annual meeting on May 4, 2005. This meeting is held in conjunction with the FCLB meeting.

The New Doc Seminar is the board's newest program that gives the newly licensed chiropractor an opportunity to meet the board members, and be enlightened on the licensing board's role vs. the Association's role and other pertinent information. Even though this is primarily for the new licensee all licensed chiropractors are invited to attend no matter how long they have been licensed.

You can view meeting dates, agendas and approved minutes on the Website at <http://www.chiropractor.mt.gov>.

## FUNERAL SERVICE

The Board sent Board President Jered Scherer and Program Specialist Cheryl Smith to attend the 101st Annual International Conference of Funeral Service Examining Boards (ICFSEB) conference in Rogers, Arkansas in April 2005.

The Board is well represented this year at the ICFSEB as board member John Michelotti is President of the ICFSEB and will be officiating this national meeting.

Ms. Smith is officiating as President for the Association of Executives of Funeral Service Boards' (AEFSB) 4th annual meeting, which was held on April 8, 2005 in conjunction with the ICFSEB conference.

A proposed rule notice regarding Crematory Facility regulation ARM 24.147.1101 was published on January 31, 2005. The rule notice can be found on the Board's Website at <http://www.funeral.mt.gov>.

The Board met on February 16, 2005, and appointed a Rule Committee to review all of the Board's rules and recommend to the Board any rules it feels should be changed or updated.

You can view meeting dates, agendas and approved minutes on the Website at <http://www.funeral.mt.gov>.



## MEDICAL EXAMINERS

Brent Goetsch is responsible for licensing physicians, podiatrists, nutritionists, acupuncturists, and physician assistants (PA) under the Board of Medical Examiners. Brent attended the Montana Academy of Physician Assistants 14th Annual Continuing Medical Education and Membership Meeting, August 4 -7, 2004, in Red Lodge, MT. Some topics covered were: Bioterrorism, Fibromyalgia, Orthopedics, Depression, Congestive Obstructive Pulmonary Disease, Pneumonia, Emerging Infections, Advanced Cardiac Life Support Review, Asthma and X-ray, Computed Technology and Magnetic Resonance Imaging Interpretation.

PA's are fulfilling personnel shortages in health care. They work under the supervision of a physician as a mid level practitioner practicing medicine with full prescriptive authority. The BOME submitted 2005 legislation to update and streamline statutes to reflect current Physician Assistant practice in the state and align itself with national standards regarding a supervision agreement, scope of practice and clarifying exemptions to the practice/title act. The BOME is currently drafting rules to implement statutory changes which are incorporated in the passage of HB 737. You will find PA's working in the frontier, under-serviced areas of our state as well as emergency rooms, clinics, offices and hospitals.

Mr. Goetsch is also assigned to work on Portable Document Format documents standardizing the on-line applications and renewal forms.

The BOME would like to thank Dr. Anne Williams for her selfless service to the board and profession for over 7 years. Dr. Williams served as President of the Board for two years. The board would also like to welcome recently appointed Dr. Kurt Kubicka, MD of Helena and Dr. Dennis Salisbury, MD of Butte to the Board.



## RADIOLOGIC TECHNOLOGISTS

The Board finalized its proposed adoption of four new rules pertaining to radiologic assistants, scope of practice, supervision, and adoption of a code of ethics.

The Board entered into an agreement with the American Registry of Radiologic Technologists (ARRT) for the ARRT Limited Scope Exam and the Bone Densitometry Equipment Operators (BDEO) Exam. The new examinations will begin October 2005.

The Board presented a plaque to Courtney Funk, RT, in recognition of her endeavors for the radiologic assistant bill drafting during the 2003 and 2005 Legislature.

Board members John Rosenbaum and Tom Carter attended the Radiological Society of North America Conference in Chicago, Illinois, November 27 – December 3, 2004. The conference included an exhibition of "state of the art" equipment

## HEARING AID DISPENSERS

New audiology board member, Paula Peterson, was welcomed to the Board at the July 29, 2004 meeting. Ms. Peterson replaced David King whose term ended July 1, 2004.

Ms. Peterson was trained to administer the International Instruments Studies Practical Examination. All the professional members of the Board administer the IIHIS exam. Ms. Peterson also designed the new Trainee Reporting Form the board requires.

You can view meeting dates, agendas and approved minutes on the Website at <http://www.hearingaid.mt.gov>

*The BOARD NEWS EXCHANGE keeps you updated on what's happening currently with each HCLB Licensing Board and Program.*



## CLINICAL LABORATORY SCIENCE PRACTITIONERS

The Board's Inspector reported that all facilities' licensees inspected in the last several months are in compliance at this time.

You can view meeting dates, agendas and approved minutes on the Website at <http://www.cls.mt.gov>

## RESPIRATORY CARE PRACTITIONERS

The Board welcomed new member Dr. Holly Strong, MD, Pulmonologist from Great Falls to the Board. Dr. Strong's term ends January 1, 2008. Holly represented the Board at the September 2004, National Board for Respiratory Care (NBRC) meeting in Kansas City, MO.

Licensees who are members of the American Association for Respiratory Care (AARC) can earn free continuing education by going to Webcast Central at [www.aarc.org/education](http://www.aarc.org/education). The Webcast is the AARC's free and convenient continuing education opportunity.

The AARC launched its new patient education Website located at [YourLungHealth.org](http://YourLungHealth.org). This Website tells you everything you need to know about lung conditions and diseases, medications, medical equipment, staying healthy and much more. This site is completely developed by respiratory therapists.

Chairman Dr. Gregory Paulauskis attended the AARC 50th International Respiratory Congress in New Orleans, LA, December 4-7, 2004. One topic covered was that the AARC will recognize, but not provide accreditation for international education

## BOARD OF ALTERNATIVE HEALTH CARE

The Board of Alternative Health Care welcomed new board member, Molly Danison, D.E.M. (direct-entry midwife) of Missoula.

Board member Maggi Beeson, N.D. (naturopathic doctor) attended the annual meeting of the Federation of Naturopathic Physician Licensing Authorities last fall, held in Portland, OR. The meeting encouraged discussion of common issues for agencies who license naturopathic physicians.





## BOARD OF OCCUPATIONAL THERAPY PRACTICE

Congratulations to Christi Richardson, OT, who was awarded the Request for Proposal for the Board's continuing education caravan.

This year the caravan includes two workshops and seven lending library introductory presentations. The Board has sponsored workshops since 1998.

The Board adopted the topical medication rules for sound and electrical physical agent modalities. The rules became effective April 1, 2005

## BOARD OF PHYSICAL THERAPY EXAMINERS

The Board will meet in June to begin rule changes resulting from HB 203 as well as HB 182, The Model Act. The Board's website address is [www.pt.mt.gov](http://www.pt.mt.gov)

## NURSING HOME ADMINISTRATORS

The Board completed their long project for rule making regarding continuing education. The Board is currently conducting their continuing education audit.



## BOARD OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

Darrell Micken, AuD. board member, testified in support of SB 451, an act revising speech-language pathologists and audiologists licensing laws.

The Board is progressing in their rule review as a result of SB451.

## Board News Exchange



## BOARD OF DENTISTRY

Both dentists and dental hygienists are now able to obtain Volunteer Licenses. The Board is hopeful that Volunteer Licensees will provide much needed professionals in underserved areas.

On a national level, the profession is beginning to develop a national clinical examination for dentists.

For its consideration, the Board has appointed a committee to research and report back on Oral Conscious Sedation and other anesthesia permit issues to dentists.



## BOARD OF OPTOMETRY

The Board approved a fee increase, which will be in effect for the upcoming renewal period ending July 2, 2005.

The Board continues to address advertising issues, by optometrists, in the yellow pages.

## BOARD OF NURSING

Kim Powell, APRN, will be leaving the Board of Nursing July 1, 2005. Kim served on the Board for eight years.

Roberta Threet, LPN, has resigned from the Board after serving 1 year.

The expertise and dedication to the nursing industry of both Ms. Powell and Ms. Threet will be greatly missed.



## BOARD OF SOCIAL WORK EXAMINERS & PROFESSIONAL COUNSELORS

### MARY HAINLIN HONORED

The Board of Social Work Examiners & Professional Counselors honored former Program Manager Mary Hainlin during the March 11, 2005 Board meeting.

Ms. Hainlin served the Board with dedication and tirelessness for the past 18 years. Mary has moved on to bigger & better duties within the Department.

Pictured from left to right Dr. Leta Livoti, Patrick Wolberd, Mary Hainlin, Rashel Jeffrey, Mary Meis, and Antoinette F. Rosell. Not pictured is Ervin Booth.

The Board of Social Work Examiners has approved a definition for Pastoral Counseling. The rule hearing is scheduled for May 6, 2005 at 10:00 am at the Department of Labor, Helena, MT. You may review the proposed language at <http://www.swpc.mt.gov>.

## BOARD OF VETERINARY MEDICINE

HB 203 has passed the Legislature and will provide for an occasional case exemption for veterinarians licensed in other states desiring to practice in Montana. The Board is beginning work on rules to define "occasional case exemption".

The Board implemented rules for the new licensing program to certify euthanasia technicians and euthanasia agencies. Two euthanasia technicians have successfully passed the course and examinations required for Montana certification. There are currently four agencies holding Drug Enforcement Administration (DEA) permits to possess sodium pentobarbital for animal euthanasia purposes.



## BOARD OF LICENSED ADDICTION COUNSELORS

The Licensed Addiction Counselors Advisory Council serves to make recommendations to the Department of Labor regarding the practice of Chemical Dependency Counseling.

There are currently two vacancies on the Council. The vacant seats are for the Montana Association of Alcohol and Drug Addiction Counselors member and a private practitioner.



## BOARD OF PHARMACY

The Board of Pharmacy has a busy schedule over the next few months with board members attending pain management workshops in Seattle and test writing workshops in Illinois for the NABP (National Association Boards of Pharmacy), in addition two board members and two staff members will attend the 101<sup>st</sup> Annual Meeting of the National Association of Boards of Pharmacy in New Orleans in late May.

The Board's Executive Director, Rebecca Deschamps, RPh. has announced her resignation as of October 31, 2005. "Becky" has been with the Department of Labor & Industry and the Board for five years in October. Robert Mann, RPh. board member from Plentywood will be finishing his term with the Board in July. We will miss the expertise of both of these fine pharmacists and wish them well.

## BOARD OF PSYCHOLOGISTS

Passage of HB 203 resulted in clarifying and updating the exemption to the practice act.

The Board voted to send Doctors Palmatier and Watson to the midyear meeting of the Association of State and Provincial Psychology Boards in Portland, OR, April 6-10, 2005. The meeting will deal with identifying and managing issues of character and fitness of licensure applicants.



**You may have seen the name Mark Cadwallader on various rule-making notices over the last three years, identified as the “alternate rule reviewer.” Who is this guy, and why does his name appear on rule-making notices of the various boards?**

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Mark Cadwallader received his undergraduate degree in Business Administration from the Univ. of Montana in 1981 and a degree in Jurisprudence from the Univ. of Montana in 1984. Following graduation from law school, he spent four years in the Los Angeles, California area engaged in commercial and civil litigation. He explains that he “escaped from Los Angeles” in 1988 and returned to Montana, and took a 13 week belated honeymoon that summer by bicycling from Missoula to Alaska with his wife. He moved to Helena in 1988 and worked for the Montana State Compensation Insurance Fund for three and a half years. He joined the Department of Labor and Industry in July 1992. Since that time, he has been considered the Department’s expert on the administrative rule process. He is one of three attorneys designated by the Department as a rule-reviewer.

**Q:** What do you do as the Department’s rule reviewer?

**A:** Under Montana law, every proposed administrative rule change must be reviewed by a knowledgeable person to determine that the agency has the legal authority to make the rule, that the rule is consistent with underlying statute(s) that the rule implements, and that the rule cites the appropriate legal authority for authorization and implementation. I review each rulemaking notice to ensure that the proposed rule changes have adequate statements of reasonable necessity, that the fiscal impact statements are included when necessary, and that a number of technical requirements (such as adequate timelines) are met. I also read the substantive portions of the proposed rule text changes to make sure that the language of rule is as clear and understandable as feasible.

**Q:** A lot of board rules are very technical and occupation-specific. If you aren’t an expert in a particular field, how can you determine whether a rule is clear or understandable?

**A:** What I look for is whether the rule is written in complete sentences, progresses in a logical order, and appropriately links the thoughts that go with one another. There are grammar, organization and punctuation conventions that have specific legal significance, and which are recognized by the courts. A well-written rule should be understandable whether it is being read by a licensee, a member of the public, Department staff, or a judge or lawyer. Not being an expert in medical or technical issues means that I’m reading those rules as a layperson might. A well-written rule is understandable, even if the reader doesn’t know what all the technical terms or procedures mean.

**Q:** Can you give me an example of what you mean by grammar or punctuation conventions?

**A:** Sure. Rules often spell out the steps that somebody (an applicant or licensee) must perform. Rather than just writing a sentence that says a person must do task “A”, do task “B”, and do tasks “C” and “D”, it is clearer to write that information into a list:

(1) In order to renew a license, a licensee must perform the following tasks:

- (a) “A”;
- (b) “B”;
- (c) “C”; and
- (d) “D”.

By using semicolons and the word “and” before the end of the list makes it clear that all four tasks must be performed in order to renew a license. Alternatives can be listed using semicolons and the connector “or” right before the last item. Most people find it easier to follow a list format than a long sentence with multiple requirements or alternatives. In addition, by identifying all of the requirements as tasks before the colon, there is no need to spell out that “A” is a task to perform, “B” is a task to perform, etc.



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# HCLB News

## New Board Appointments by Governor Schweitzer

The HCLB welcomes new board members to serve on health related boards

### Board of Respiratory Care Practitioners

Eileen Carney, Public Member succeeds Linda Davis.

Ms Carney was also appointed Board Chairman.

Tony Jay Miller, RCP, succeeds Dr. Gregory Paulauskis

Leonard Bates, RCP, succeeds Shirley Pollard

### Board of Speech-Language Pathologists & Audiologists

Sharon Dinstel, SLP-succeeds Sheila Skinner

Darrell Micken, AUD - re-appointed

James L. Sias, Public Member - succeeds Julie Fiske

### Board of Social Work Examiners & Professional Counselors

Treasa Glinnwater, LCSW, succeeds Patrick Wolberd

Henry Pretty On Top, LCSW, succeeds Rashel Jeffrey

Linda Crummett, LCSW, succeeds Mary Meis

John Lynn, LCPC, succeeds Ervin Booth

### Board of Alternative Health Care

Molly Danison, DEM, succeeds Dolly Browder

### Board of Dentistry

Paul Sims, DDS. re-appointed

Helen Waller, Public Member, succeeds Lesley Robinson



"It is a new day in Montana and I want your good ideas. Please take a moment to share your thoughts and ideas through this online form. I promise to carefully consider suggestions. John and I are grateful for your interest. With the participation of concerned Montanans, we will move Montana forward." — Governor Brian Schweitzer

To apply for appointment to a Licensing Board, go to :

<https://app.discoveringmontana.com/appoint/>

Q: Since boards aren't typically made up of writers and lawyers, how can a Board be expected to know all of these things?

A: A board typically identifies the subject of the rule and makes the decision of what requirements or restrictions go into the rule. Department staffers (including program specialists, technical writers and board counsel) are the ones who have the initial responsibility for coming up with appropriate language. Staff will then present a draft to the board to make sure that they accurately capture what the board wants to say. Sometimes, staff may discover some reason why the board can't do what it wants; if so, it is the job of staff (including board counsel) to identify the reason(s) why a particular proposal can't be implemented.

Q: How often does a rule need to be rewritten or revised?

A: As often as needed. Sometimes rules need to be changed because the underlying laws change, whether through legislation or due to a court decision. Sometimes rules need to be changed because the rule isn't clear or doesn't address a new situation. Other times rules need to get changed so they accurately describe new procedures that get implemented. State law says that each agency (or board) must review all of its rules at least once every two years to see if there are changes needed.

Q: What is the best piece of advice you have for boards undertaking a rule project?

A: Remember that a properly adopted rule has the effect of law. When a board proposes rules, it is very similar to what the Legislature does. Just as the Legislature is supposed to enact laws for the good of the public, a board's rules are supposed to be for the good of the public. Just as most people who care about the subject of a bill want a chance to tell the Legislature what they think about the proposal, so too must the board give the public and the profession a chance to comment on proposed rule changes. Public comment is a good thing - it means that people care about the subject matter of the rules.

In addition to his "day job" at the Department, Mark also works on an as-needed basis as a theater technician running lights, sound and working backstage, and plays bass drum in Helena's bagpipe band. In his spare time he reads and rides his motorcycle. His wife, Pam Dale, will be graduating from MSU's nursing program in May 2005.





# HCLB News

*New Board Appointments by Governor Brian Schweitzer (continued from Page 7 . . .)*

## **Board of Chiropractors**

Daniel Prideaux, DC- re-appointed

## **Board of Occupational Therapy Practice**

Lynn Yocom, OT - succeeds Shelbi Schoenrock

## **Board of Optometry**

Rock Svenningsen, OD, succeeds Cynthia Johnson, OD

## **Board Member Training Session**

Mark your calendar for the week of September 27th through the 30th. exact date to be determined.

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*Department of Labor & Industry  
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## **OUTGOING BOARD MEMBERS**

It is with deep gratitude and appreciation that the Health Care Licensing Bureau thanks the following board members for their commitment and dedication to the boards they served.

## **PUBLIC MEMBERS**

Linda Davis  
Julie Fiske

## **PROFESSIONAL MEMBERS**

Dr. Gregory Paulauskis, PhD, RCP  
Shirley Pollard, RCP  
Shiela Skinner, SLP  
Shelbi Schoenrock, OT  
Patrick Wolberd, LCSW  
Mary Meis, LCSW  
Rashel Jeffrey, LCSW  
Ervin Booth, LCPC  
Lorin Walker, LAC; LCPC  
Marian Scofield, LAC  
Cynthia Johnson, OD



**John Q. Public**

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